

-REMARKS / ARGUMENTS-**Summary of the Examiner's office action**

The Examiner has indicated that the application does not contain an abstract, contrary to 37 CFR 1.72(b).

The claim rejections indicated in the Examiner's action are as follows:

Claims	§102(e)	§103(a)	Status/References
1-10	X		Anticipated by Danknick (US 6,021,429)

Amendments

In the specification, a cross-reference to related applications paragraph was introduced as the first paragraph of the application.

In the abstract, an abstract was introduced on a new page.

Lack of Abstract

Applicant respectfully submits that the PCT application upon which this national phase application is based contains an abstract at page 10 of the application which is further reproduced on the cover sheet of the PCT publication WO 00/27094. For the Examiner's immediate convenience, the cover page of the PCT publication is attached. In order to speed up examination of this application, Applicant has provided a copy of the abstract on a separate page in the amendment section of this response.

Serial No. 09/830,475
Reply to Office Action of March 14, 2005

Agent's Ref. 13693-4US
Amdt. dated July 6, 2005

- 5 -

BEST AVAILABLE COPY

Rejection of Claims 1-10 under 35 USC §102(e) using Danknick (US 6,021,429)

For anticipation under 35 U.S.C. § 102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Danknick teaches a method which controls a network device on a local area network (LAN) to operate as a list manager which maintains a list of device addresses (dynamic addresses) for the LAN. The method determines whether a list manager is operating on the LAN, and in case of detecting such a list manager, controlling the network device to operate only as a slave on the LAN, and when no list manager is detected on the LAN, controlling the network device to operate as the list manager on the LAN.

Claim 1 is for a network modem device comprising an integrated mechanism for dynamically assigning network addresses on a network. The network modem device comprises a controller circuit detecting a presence of a dynamic address assignment server on the network; an interrupter disabling the integrated mechanism when the controller circuit detects the server; and a memory store of unknown used addresses. The integrated mechanism comprises a start-up mechanism checking the availability of addresses on the network and placing used addresses in the memory store of unknown used addresses and an address manager selecting new addresses not included in the store of unknown used addresses, and removing addresses from the store of unknown used addresses when a client having one of the addresses in the store of unknown used addresses requests a dynamically assigned address.

Serial No. 09/830,475
Reply to Office Action of March 14, 2005

Agent's Ref. 13693-4US
Amdt. dated July 6, 2005

- 6 -

BEST AVAILABLE COPY

Claim 6 is for a method of enabling/disabling a mechanism for dynamically assigning network addresses on a network, the mechanism being integrated into a network modem device. The method comprises detecting a presence of a dynamic address assignment server on the network; and disabling the integrated mechanism when the server is detected; checking the availability of addresses on the network after power on and loss of memory of previously dynamically assigned addresses; storing the used addresses in a store of unknown used addresses; selecting new addresses not stored in response to a request for a dynamically assigned address; and removing an address from the store of unknown used addresses when a client having one of the addresses in the store of unknown used addresses requests a dynamically assigned address.

In order to prevent confusion with an existing dynamic host configuration protocol (DHCP) server on the LAN, the solution proposed by the present application and in particular by the apparatus and method according to claims 1 and 6 respectively, provides an autosense mechanism to detect the existence of a DHCP server on the LAN and to disable the internal, built-in DHCP mechanism when said server is detected. At power-on, the network modem device checks the availability of addresses in use on the network prior to operation. Addresses in use are placed in a list in a store of unknown addresses, and are not assigned to clients requesting DHCP addresses. When a DHCP client requests an address and has as its current address one of the addresses on said list, the current address is removed from the list.

Danknick's device does not dynamically assign network addresses on a network. Danknick's device simply provides the address of the network device to a list manager or receives and stores other network devices' addresses if it is the list manager. Danknick does not determine a network address to be assigned to a device. The network addresses are obtained by the network devices through some other channel and are simply reported to the list manager for storage of a list. Danknick's device does not have an address manager selecting new addresses not included in the store of

Serial No. 09/830,475
Reply to Office Action of March 14, 2005

Agent's Ref. 13693-4US
Amdt. dated July 6, 2005

- 7 -

BEST AVAILABLE COPY

unknown used addresses, and removing addresses from the store of unknown used addresses when a client having one of the addresses in the store of unknown used addresses requests a dynamically assigned address. Danknick's device simply stores the list and does not select a free address to be given to the network device.

Danknick's device does not detect a presence of a dynamic address assignment server on the network and therefore does not disable the mechanism when a server is detected. Danknick's device detects the presence of a list manager on the LAN. A dynamic address assignment server is clearly not solely a list manager. It can use and maintain a list but it further ASSIGNS addresses to network devices. Danknick's list manager does not assign addresses, it simply stores them. Therefore, it cannot be considered to be a dynamic address assignment server. As a person skilled in the art will readily understand, a dynamic address assignment server is preferably a DHCP server, which is much more powerful than a simple list manager of the type of Danknick.

Danknick's device does not have a memory store of unknown used addresses and Danknick's device does not have a start-up mechanism checking the availability of addresses on the network and placing used addresses in the memory store of unknown used addresses. Danknick's device, when acting as a list manager, only stores device addresses once the devices have broadcasted their address. It can therefore link the device to its address. In Applicant's invention, the memory store is a memory store of unknown used addresses. It contains addresses that are currently being used but to which a device is not specifically linked yet. In order to build that store, Danknick's device would have to somehow sense the addresses being used to put them in the list. Danknick clearly does not do that and simply stores the address once a device has broadcasted it. Danknick does not have the start-up mechanism required to check the availability of the addresses on the network.

Serial No. 09/830,475
Reply to Office Action of March 14, 2005

Agent's Ref. 13693-4US
Amdt. dated July 6, 2005

- 8 -

BEST AVAILABLE COPY

Applicant respectfully submits that Danknick does not anticipate Claims 1 or 6 because it does not teach every aspect of the claimed invention either explicitly or impliedly. Withdrawal of the rejection to Claims 1 and 6 is respectfully requested. Claims 2-5 and 7 to 10 are dependent on claims 1 or 6 and thus are also novel and non-obvious.

In view of the foregoing, reconsideration of the rejections and objections of claims 1 to 10 is respectfully requested. It is believed that claims 1 to 10 are allowable over the prior art, and a Notice of Allowance is earnestly solicited.

By:

Respectfully submitted,

Gilbert MOINEAU et al.

Isabelle Chabot

Isabelle CHABOT,

Registration No. 55,764

Tel. No. 418-640-5174

Encl. Cover page of WO 00/27094

Customer Number 020988

OGILVY RENAULT, LLP

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below.

Isabelle CHABOT (Reg. No. 55,764)

Name of person signing certification

Isabelle Chabot

Signature

July 6, 2005

Date

Serial No. 09/830,475
Reply to Office Action of March 14, 2005

Agent's Ref. 13693-4US
Amdt. dated July 6, 2005

- 9 -

BEST AVAILABLE COPY